

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

ROBERT W. CHRISTIE and AMANDA  
CHRISTIE, husband and wife,

Plaintiffs,

v.

Civil Action no. 2:18-cv-1458

ESTATE OF JAMES SCOTT WALRAVEN,  
deceased, JOHN DOE and/or JANE DOE,  
Administrator/Administratrix of THE  
ESTATE OF JAMES SCOTT WALRAVEN, deceased,  
CONTINENTAL CASUALTY COMPANY, INC.,  
A/K/A CONTINENTAL CASUALTY COMPANY,  
A/K/A THE CONTINENTAL CORPORATION, AKA  
CNA GROUP LIFE ASSURANCE COMPANY, an  
Illinois corporation; LOCKTON AFFINITY,  
LLC, a Missouri limited liability company;  
and COLUMBIA CASUALTY COMPANY, a subsidiary  
or affiliate of CONTINENTAL CASUALTY  
COMPANY, INC., an Illinois corporation,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending is the motion of defendants Columbia Casualty Company and Continental Casualty Company ("Casualty Companies") to dismiss the crossclaim of Lockton Affinity Series of Lockton Affinity, LLC, ("Lockton"), filed January 11, 2019. The motion was filed as part of the Casualty Companies' answer to the crossclaim of Lockton and was unaccompanied by a memorandum; Lockton did not file a response.

The motion, in its entirety, states:

Lockton fails to state a claim upon which relief can be granted since the adoption W. Va. Code § 55-7-13a-d and the revised rules of several liability contained therein, under which contribution and implied indemnification are not separate causes of action that may be sustained against a co-defendant. Therefore, the cross-claim should be dismissed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure insofar as it seeks contribution and/or implied indemnification from Defendants Columbia Casualty Company and Continental Casualty Company.

Mot. & Answer, ECF # 23 at 2.

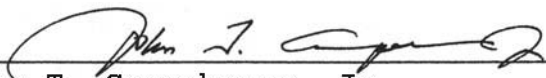
Pursuant to Local Rule of Civil Procedure 7.1(a)(2), a motion to dismiss must be accompanied by a memorandum.

Additionally, under Local Rule of Civil Procedure 7.1(a)(6), motions to dismiss "shall be filed as a separate pleading."

Having failed to comply with each of these local rules, it is ORDERED that the motion be, and it hereby is, denied without prejudice to its compliant refiling.

The Clerk is requested to transmit this order to all counsel of record and to any unrepresented parties.

DATED: May 24, 2019

  
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John T. Copenhaver, Jr.  
Senior United States District Judge